



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/16/2024

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LAW DEPARTMENT
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January 12, 2024

VIA ECF

The Honorable Mary Kay Vyskocil
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *S.B., et.al. v. N.Y.C. Dep't of Educ.* 23-7765 (MKV)(SLC)

Dear Judge Vyskocil:


I am Special Assistant Corporation Counsel in the office of Corporation Counsel, the Honorable Sylvia O. Hinds-Radix, attorney for Defendant in the matter referenced above, wherein Plaintiff seeks attorneys' fees and costs for work on an administrative proceeding brought pursuant to the Individuals with Disabilities Education Act 20 U.S.C. §1400, *et. seq.* ("IDEA"), as well as for this action.

I write jointly and with Plaintiffs' consent to respectfully renew and amend the request for a *sine die* adjournment the Initial Pre-Trial Conference ("IPC") and the attendant submission of a case management plan ("CMP"). The prior request (ECF 11) was made in error due to my misreading of the docket (I mistook January 19 for January 9) and my concern about making a timely adjournment request, and I apologize to the Court for any confusion. The parties have had an opportunity to confer and submit that a conference at this early stage is premature. The parties have a history of resolving cases through settlement and would like the opportunity to engage in good faith negotiations before utilizing court resources. As stated in the previous correspondence, there is no need for discovery as this is a fees-only claim. Defendants have nearly completed the internal review of the underlying administrative record and the billing invoices and hope to be able to initiate settlement discussions shortly.

Accordingly, the parties request that the January 19 IPC and attendant CMP submission be adjourned *sine die* and propose the submission of a status letter by February 8, 2024, to update the Court on the status of settlement negotiations.

Thank you for considering this request.

Respectfully submitted,



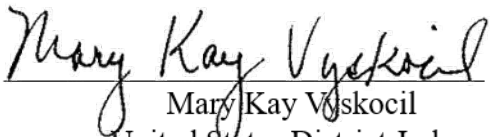
W. Simone Nicholson

Special Assistant Corporation Counsel

cc: Michele Kule-Korgood, *Counsel for Plaintiffs*, via ECF

The parties' request to adjourn *sine die* the Initial Pretrial Conference is GRANTED. By February 8, 2024, the parties shall file a joint status letter. If the parties have not reached a settlement in principle by February 8, 2024, the parties must include in their joint letter a proposed briefing schedule for summary judgment.

Date: Jan. 16, 2024
New York, New York



Mary Kay Vyskocil
United States District Judge